

## **REMARKS**

This is in response to the Office Action dated December 30, 2009. In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

The limitations of claims 7 and 13 have been incorporated into independent claim 1. Claims 7-8 and 13-14 have been cancelled. Claims 1-6 and 9-12 are pending.

### **Rejection under 35 U.S.C. §112:**

Claim 11 has been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This rejection is submitted to be inapplicable to the above claims, as amended, for the following reasons.

Claim 11 has been amended to recite a “read only memory (ROM),” which is disclosed in the specification as indicated by the Examiner. As a result, it is submitted that claim 11 is in compliance with the written description requirement of 35 U.S.C. 112, first paragraph.

### **Rejection under 35 U.S.C. §102(b):**

Claims 1, 2, and 5-12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Mizoguchi (US 5,805,215). This rejection is submitted to be inapplicable to the above claims, as amended, for the following reasons.

Claim 1 recites, in part, a retrieving unit operable to retrieve a title candidate, among the title candidates prestored by said storage unit, that matches the shooting time information and the object information of the untitled image, a presentation unit operable to present character sequences, to a user as title proposals for the untitled image, that are a combination of the title candidate retrieved by said retrieving unit and the shooting time information acquired by said shooting time acquiring unit, and a title determining unit operable to determine a title of the untitled image based on the title proposals presented by said presentation unit and a user input,

wherein the title determining unit determines, as the title of the image, one character sequence selected by the user from the plurality of character sequences.

The above features as recited in claim 1 present a user with title candidates that are each suitable as a title for an untitled image and allow the user to select a title from among the title candidates. More specifically, among a plurality of prestored title candidates, title candidates that match the shooting time and object of the untitled image are selected and presented to the user. The user selects one from among the presented title candidates that he/she feels suitable for the title of the untitled image, and the selected title is determined as the title of the image. The above features as recited in claim 1 are not disclosed or suggested by Mizoguchi.

As discussed in the amendment filed on August 17, 2009, Mizoguchi discloses listing titles on a screen to help a user search for a particular image. For example, a user operates an “image search” key (see col. 8, line 13) to search using time data, or alternatively, the user operates an “event” key to search for an image based on an event (see col. 8, lines 29-31). The search can be performed because, when an image is acquired, a piece of schedule information or event data (i.e., “golf”), corresponding to the acquired image, is detected based on the shooting time of the acquired image, and the detected schedule information is associated with the acquired image (see col. 6, lines 22-65). Therefore, when a user selects the event data depicting “golf”, images associated with golf are searched and displayed to the user (see col. 8, lines 34-36). This search process is depicted in Figures 9A-9D. For example, Figure 9C shows an example screen that would be displayed when a user searches for a desired image based on event data. The Examiner is asserting that the scheduling information or event data (i.e., “golf”) associated with an image is equivalent to a title of an image.

If the Examiner’s assertion is correct, then in Mizoguchi, (i) an image is associated with event data (based on scheduling information) with no choice by the user and the user cannot determine the eventual title of an image, (ii) a plurality of title candidates that are each suitable as a title to be assigned to an untitled image is not disclosed to the user, and (iii) the user is not allowed to select one among a plurality of title candidates. Therefore, Mizoguchi does not disclose or suggest a retrieving unit operable to retrieve a title candidate, among the title

candidates prestored by said storage unit, that matches the shooting time information and the object information of the untitled image, a presentation unit operable to present character sequences, to a user as title proposals for the untitled image, that are a combination of the title candidate retrieved by said retrieving unit and the shooting time information acquired by said shooting time acquiring unit, and a title determining unit operable to determine a title of the untitled image based on the title proposals presented by said presentation unit and a user input, wherein the title determining unit determines, as the title of the image, one character sequence selected by the user from the plurality of character sequences, as recited in claim 1. As a result, claim 1 is not anticipated by Mizoguchi.

Independent claims 10, 11, and 12 are not anticipated by Mizoguchi for reasons similar to those discussed above with regard to independent claim 1.

Claims 2, 5-6, and 9 are dependent on independent claim 1. As a result, claims 1-2, 5-6, and 9-12 are allowable over Mizoguchi.

**Rejection under 35 U.S.C. §103(a):**

Claims 3 and 4 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi (US 5,805,215) in view of Kawade (US 6,661,906). This rejection is submitted to be inapplicable to the above claims, as amended, for the following reasons.

Claims 3 and 4 are indirectly dependent on independent claim 1 discussed in detail above.

Kawade is relied upon in the rejection as disclosing prestoring information concerning a sex and an age of objects or people. However, it is apparent Kawade fails to disclose or suggest the features lacking from Mizoguchi discussed above with regard to independent claim 1. Accordingly, no obvious combination of Mizoguchi and Kawade would result in, or otherwise render obvious under 35 U.S.C. §103(a), the features recited in claims 1, 3, and 4. Therefore, claims 1, 3, and 4 are patentable over the combination of Mizoguchi and Kawade.

Because of the above-mentioned distinctions, it is believed clear that claims 1-6 and 9-12 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of the invention

would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-6 and 9-12. Therefore, it is submitted that claims 1-6 and 9-12 are clearly allowable over the prior art of record.

In view of the above amendment and remarks, it is submitted that the present application is now in condition for allowance. The examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Koichi MACHIDA

/Allen N. Doyel/  
By:2010.03.29 16:00:11 -04'00'  
Allen N. Doyel  
Registration No. 60,391  
Attorney for Applicant

AND/JRF/ats  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 29, 2010